

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

FRANK EUGENE SMITH,

Plaintiff,

v.

STATE OF OKLAHOMA, *et al.*,

Defendants.

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Case No. CIV-19-139-R

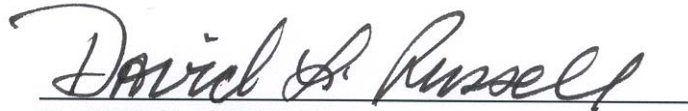
ORDER

Before this Court is United States Magistrate Judge Shon T. Erwin’s Report and Recommendation, filed April 29, 2019, wherein Judge Erwin recommends Plaintiff’s action under 42 U.S.C. § 1983 be dismissed without prejudice because Plaintiff failed to cure deficiencies in his application for *in forma pauperis* status. *See* Doc. 20. On May 16, 2019, Plaintiff filed a motion for continuance (Doc. 21), which this Court liberally construed as a motion for extension of time and granted. *See* Order, Doc. 22. On June 17, 2019, Plaintiff filed a second motion for extension of time, wherein he represented that he was having difficulty obtaining financial statements to supplement his application for *in forma pauperis* status, but that he anticipated he would have access to them within a matter of weeks. *See* Doc. 24. The Court granted this motion on June 18, 2019, instructing Plaintiff to “object to Judge Erwin’s Report and Recommendation and/or cure the deficiencies with his application for *in forma pauperis* status” by July 8, 2019. *See* Doc. 25, at 1. Plaintiff made one filing during this extended period—a document titled “Motion for Continuance

and to Settle,” which appears to be a demand letter stating Plaintiff’s terms for settlement. *See* Doc. 26.

Plaintiff’s task was straightforward: object to the Report and Recommendation or cure the deficient *in forma pauperis* application. But despite filing numerous documents and receiving numerous deadline extensions, Plaintiff has failed to comply with this Court’s orders. The Court will not keep kicking this can down the road. Accordingly, the Court ADOPTS Judge Erwin’s Report and Recommendation and DISMISSES Plaintiff’s action without prejudice to refiling. Plaintiff’s pending Motions (Docs. 12–14, 16–17, 19, 23, 26) are, consequently, denied as moot.

IT IS SO ORDERED this 12th day of July, 2019.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE